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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket FAR 2012-0080, Sequence 3]

**Federal Acquisition Regulation; Federal Acquisition Circular
2005-58; Introduction**

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of final rules.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rules agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) in this Federal Acquisition Circular (FAC) 2005-58. A companion document, the Small Entity Compliance Guide (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at <http://www.regulations.gov>.

DATES: For effective dates and comment dates see separate documents, which follow.

FOR FURTHER INFORMATION CONTACT: The analyst whose name appears in the table below in relation to each FAR case. Please cite FAC 2005-58 and the specific FAR case numbers. For information pertaining to status or publication

schedules, contact the Regulatory Secretariat at 202-501-4755.

List of Rules in FAC 2005-58

<u>Item</u>	<u>Subject</u>	<u>FAR Case</u>	<u>Analyst</u>
I	Biobased Procurements	2010-004	Clark
II	Representation Regarding Export of Sensitive Technology to Iran	2010-018	Davis
III	Justification and Approval of Sole-Source 8(a) Contracts	2009-038	Morgan
IV	Technical Amendments		

SUPPLEMENTARY INFORMATION: Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these FAR cases, refer to the specific item numbers and subject set forth in the documents following these item summaries. FAC 2005-58 amends the FAR as specified below:

Item I—Biobased Procurements (FAR Case 2010-004)

This final rule amends the FAR to implement changes that require contractors to report the biobased products purchased under service and construction contracts. The Farm Security and Rural Investment Act (7 U.S.C. 8102) requires agencies to report this information to the Office of Federal Procurement Policy. This reporting will enable agencies to monitor compliance with the Federal preference for purchasing biobased products. Contractors may need to create an inventory management system to track the biobased

products purchased for each contract. However, this rule may enhance small business biobased product suppliers' participation in this market.

Item II—Representation Regarding Export of Sensitive Technology to Iran (FAR Case 2010-018)

This final rule adopts, with minor changes, an interim rule which added a representation to implement section 106 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010. Section 106 imposes a procurement prohibition relating to contracts with persons that export certain sensitive technology to Iran. This rule has no significant impact on small business concerns.

Item III—Justification and Approval of Sole-Source 8(a) Contracts (FAR Case 2009-038)

This rule adopts as final, without change, an interim rule published in the Federal Register at 76 FR 14559 on March 16, 2011, which implemented section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Pub. L. 111-84). Section 811 prohibits the award of a sole-source contract in an amount over \$20 million under the 8(a) program authority (15 U.S.C. 637(a)) without first obtaining a written Justification and Approval (J&A) approved by an appropriate official, and making public the J&A and related information. This internal Government requirement for the development and approval of a sole-

source J&A for 8(a) sole-source awards over \$20 million neither prohibits such awards nor increases the qualifications required of 8(a) firms.

Item IV—Technical Amendments

Editorial changes are made at FAR 1.201-1, 52.212-5, and 52.219-28.

Dated: April 11, 2012.

Laura Auletta,
Director,
Office of Governmentwide
Acquisition Policy,
Office of Acquisition Policy,
Office of Governmentwide Policy.

Federal Acquisition Circular (FAC) 2005-58 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2005-58 is effective [**insert date of publication in the Federal Register**], except for Items I and II which are effective [**insert date 30 days after publication in the Federal Register**].

Dated: April 10, 2012.

Richard Ginman,
Director, Defense Procurement
and Acquisition Policy.

Dated: April 5, 2012.

Joseph A. Neurauter,
Senior Procurement Executive/Deputy CAO,
Office of Acquisition Policy,
U.S. General Services Administration.

Dated: April 11, 2012.

William P. McNally,
Assistant Administrator for Procurement,
National Aeronautics and Space Administration.

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